

**REGION IX TRIBAL OPERATIONS COMMITTEE
MEETING**

Hosted by:

Elko Band of Western Shoshone Indians

October 16, 2007

Elko, NV

RTOC Notes
October 16, 2007

Opening Prayer: *Dan Mosley, R9RTOC Co-Chair, Pyramid Lake Paiute Tribe*

Welcoming Remarks: *Jeff Scott- Director of Communities and Ecosystems Division, EPA R9*

- ~ Welcomed Dan as new co-chair.
- ~ Thanks to Elko Band - it was a nice trip.
- ~ Presentation of certificate to Wilfred Nabahe, outgoing RTOC Tribal Co-Chair.
- ~ Presentation of a certificate to Hillary Hecht.
- ~ Great accomplishments since the last RTOC meeting. Hoping to accomplish great things.
- ~ Important to show the results of funding and tangible success, of clean, safe environments.
- ~ Share success stories that you have.
- ~ Thank you for coming.

Welcoming Remarks: *Dan Mosley, RTOC Tribal Co-Chair*

- ~ Recognized tribal leaders in attendance and importance of participating.
- ~ Recognize the young people. Our future leaders.
- ~ Things important to Dan: Family, connection to our land, water, and air.
- ~ Important to teach the youth about the environment and lessons from “our land.”
- ~ Many lessons learned from elders.
- ~ Dan has had opportunities to train other tribes with the knowledge he has gained by hosting workshops and trainings.
- ~ Need to learn from each other.
- ~ Thank you for your confidence and patience with me in this new position.
- ~ Structure/ format of RTOC meeting.

Conference update: *Alfrieda Jake, 2007 Region 9 Annual Conference Host*

- ~ Welcomed participants to Elko.
- ~ 406 registered for conference: 338 tribal staff & 68 EPA staff.
- ~ Housekeeping: evaluations, sign in sheets, and sign up for dinner, field trip logistics:
Two mine trips: Newmont/ Barrick mines; and Lamoile Canyon/ So. Fork reservation trips.

Introductions/Roll Call: *Dan Mosley, RTOC Tribal Co-Chair*

- ~ Introductions EPA/ RTOC representatives and members.

Review Previous RTOC Meeting Action Items: *Lori Lewis- Meeting Facilitator, EPA R9*

- ~ Reviewed status of July '07 Action Items (in folders).

Tribal Caucus Report: *Dan Mosley, RTOC Tribal Co-Chair*

- ~ Reviewed Monday's Tribal Caucus agenda: RTOC orientation, ..., then reviewed the Environmental Manager reports/ Action items:
 1. **AZ Report** - Submitted by Cornelius Antone (Tohono O'odham Nation)
 - o Remind tribes about air national climate registry.

- Action Item: funding sources to clean up open dump sites other than GAP funding, would like to see a funding matrix.
- Action Item: EPA sponsor training for administrative and financial personnel, for faster/ consistent Tribal drawdowns.
- 2. Navajo Nation Report (NN) - Submitted by Deb Misra (NN):**
 - a. Congressional hearing on uranium mining on NN reservation. Sent to EPA.
 - b. Action Item: RTOC request EPA headquarters to approve supplemental primacy application, response back from David Albright (EPA R9 Ground Water Office) will respond within the next month.
 - c. Action Item: Don't reduce funding for public water systems, and increase funding for 106 and UIC programs. Linda Reeves, R9 EPA will follow up on this.
 - d. Action Item: 'Streamline' TAS and primacy application process. EPA R9 will follow up on this (David Albright?).
- 3. Central California Report - Submitted by Samuel Elizondo (Picayune):**
 - e. Action Item: Response to action item 10 from last time, regarding GAP notification letter to the chairperson not the Environmental Directors. EPA noted to put a request in to EPA counterparts for this change to occur.
- 4. Northern California Report - Submitted by Ken Norton (Hoopa Valley)**
 - a. Action Item: Support from EPA/ RTOC about WQS for toxic blue green algae
 - b. Letter will be sent out to RTOC for review, read draft letter, comments by next RTOC meeting
- 5. Southern California Report - Submitted by Melody Sees (Los Coyotes)**
 - a. Action item: Faster QAPP response and approval process. Eugenia McNaughton R9 QA Office will follow up on this.
 - b. Action item: More technical EPA staff to attend meetings for technical issue responses.
 - c. Action item: EPA response to complaints by tribal staff attending EPA NPS/ WQ monitoring trainings. Issues of conduct on the part of EPA staff attending these trainings were discussed. Sensitivity/ Professionalism /Common courtesy of EPA staff to tribal participants were recommended. (This was addressed and resolved by Melody Sees/ Dan Mosley and EPA staff at the Elko RTOC conference – October 18, 2007).
 - d. Action item: Provide an updated contact list for tribes and EPA. (Lilia sent list Oct 25, 2007, then Missy Whitebird sent out to RTOC reps)
- 6. Nevada Report - Submitted by Annette George-Harris**
 - a. Tribal NDEP workshop at NDEP offices November 29th in Carson City, NV
 - b. Reminder to have emergency response protocols in place for toxic spills.
- **State Breakout Session Report - Dan Mosley, RTOC Tribal Co-Chair**
 - a. List State Goals for the next two years. Follow up in future Environmental Manager meetings.
- **California Indian Environmental Alliance Presentation - Sherry Norris, Director**
 - a. Presentation on California Mercury issues.
- **ITEP Report - Darrel Harmon, EPA OAR, Senior Indian Program Manager**
 - a. Institute of Tribal Environmental Professionals (ITEP) presentation

- **Budget & Strategic Planning Report** - *Laura Mayo, Tribal Lead (Yurok Tribe)*
Gave and update on the “Budget & Strategic Planning.” Handed out a questionnaire, and requested the form (with data) to be turned in by the end of the month.
- **TPPC report** - *Nina Hapner, Tribal Pesticide Program Council (TPPC)*
Action item: Asked for NTOC response from previously submitted requests.
- **National Tribal Grants Council** – RTOC discussion
 - a. EPA requested RTOC to nominate two people to this council. Discussion was held regarding consultation, funding source(s), duties of the board, and duplication of effort by RTOC and NTOC, and spreading resources thin already and it is taking away money tribes can use for their programs. RTOC members would like more clarification.
 - b. Action item: Marta Burg to draft letter regarding R9 RTOC concerns for RTOC reps review. Send final letter to Howard Corcoran (EPA GAD) & Carol Jorgensen (AIEO) (Completed Nov. 9, 2007).
- **DW/WW National Infrastructure Taskforce Report** - *Marta Burg, RTOC Legal Policy Advisor*
Action Item: Chart in packets that will be sent out to all tribes, utilities, and will have a series of action items with this. Charts to be sent out by November 2007.
- **Air Quality Training** – RTOC Discussion
Federal Air Rules for Tribes - A training is scheduled in Sacramento regarding federal air rules and how they apply in CA and to tribes. Comment: EPA said this would never happen so why is this training taking place?

EPA Report - *Jeff Scott, Communities and Ecosystems Division, EPA*

- **EPA Region 9 Announcements** (from RTOC folder) - *Hillary Hecht EPA R9*
- **Grants Management Changes** - *Elizabeth Stahl, Grants Management*
 - o The majority of EPA budget goes out in grants.
 - o Changes have come from various accountability offices (OMB, GAO, Etc.), they want more information about grant financial compliance. EPA is now required to perform desk and on-site reviews selected by a statistical sampling method.
 - o Grant Session covering changes is available Thursday of Annual Conference.
 - o Time frame of the review process is suggested at 120 days from the day review is started.
- **Indirect Costs-**
 - o Should be brought up to tribal councils. Very important.
 - o Advantage to deal with this proactively.
 - o EPA is revising Indirect Cost (IDC) rate policy; tribes need current IDC rate to drawdown IDC funds.
 - o Grant in depth session on Thursday afternoon of Annual Conference.
 - o This will affect application budgeting, will not be able to budget for overhead in applications if a current rate is not established or submitted to the National Business Center, Dept. of Interior.
- **Streamline Grant Award Mailings**
 - o EPA is streamlining all mailings. Region 9 is the last to be doing this.
 - o Mandate to reduce EPA’s environmental footprint.
 - o Everything in the government is going to electronic forms. EPA and Region 9 are also working on this.

- Grant awards are only going to Tribal Chairs, and copies are to be made within.
- If you want it sent to a specific person, let your EPA grants specialist know and they will get it to the right person.
- Region 9 hopes to pilot some E-mailings of awards within the next year.
- Gap grants are due in January and tribes most likely won't have 08 IDC rate submitted yet --Can they budget for IDC?
 - EPA does not advise.
 - You could include the amount of funds you plan to use for regular IDC by putting amount into another budget category; and once the FY08 IDC rate is approved or submitted to NBC, you can re-budget.
 - Or, if you budget IDC in your January GAP proposals, be aware that you may not be able to budget indirect costs when you submit your full GAP application later that year, unless you have a FY08 approved IDC or have submitted the FY08 proposal to NBC.
- How do we address one quarter on IDC rate and the other three on another IDC rates?
 - We will advise you on this – talk to your EPA grants specialist.
- Can we use a provisional cost rate?
 - You can budget only if it is the current approved rate. However, most tribes have a fixed Carryforward Rate, not a Provisional rate. Currently it takes the Nation Business Center (NBC) approximately four months to approve a rate. Also, most tribes' deadline for submitting the FY08 indirect proposal to NBC was July 2007.
- Award cover letters: Region 9 now has a boiler plate letter. This is also being done nationally within EPA.
- Applications are still available online on the Region 9 website.
 - Grants applications (424A forms) are being done in Excel, and why can't EPA accept them in Excel rather than having tribe convert forms to Word?
 - Not sure why this is happening. Check with your grants specialist. We usually accept most formats including Excel spreadsheets for budgets. Since the entire government is going to an electronic application format, this may be solved in the future.
- Slides – mostly websites and contact information
- HazMat Explo 2007 Conference
- Tribal Emergency Response Preparedness & Response Conference Calls
- Mainland Regional Response Team Meeting
- FY09 Tribal Air Funding
- Tribal New Source Review Rule
- New Ozone Air Standard Proposed
- Particulate Matter Designations
- Addressing Noncompliance at Federally Regulated Facilities Impacting Indian Country
 - Letter is in packet
- New source review rule and is forming a consultation and outreach workgroup, explanation.
 - There has been outreach to tribes and several tribes are participating and more information will be given out during session on Thursday afternoon
- Session going to include how to apply online?
 - No but there is a sheet that will be available.

- NTAA is the process that tribes will be consulted?
 - o NTAA will coordinate getting input but direct contact with tribes can still be done.
- Conference call with NTAA so input from tribes can be given.
 - o Will set up that call
- Invite to tribes to form a water collaborative. Workgroups that address on the ground projects and not just policy. Meeting will be on Thursday morning in the auditorium.

EPA Response from last RTOC

- Now can search for funding opportunity for solid waste issues online and one page fact sheet of funding opportunity from federal agencies, will be sent next week.
- NN and UIC approval, HQ will try to review that quickly.
 - o Wendell Smith (EPA)- Regarding 106/NPS training, apologized on behalf of the EPA staff. Wendell stated that it's not the intention of EPA staff to embarrass or put down people, and he will follow up on this. (Completed October 18, 2007).
 - o Call with Curtis Miller from Hoopa Valley in response to Task 5 (old action items)
- Primacy delegation- David Albright will respond to this issue and it will be dealt with in a month.
- Will there be extra money to fund consultant work or just through the GAP grant?
 - o EPA 106 funds are already spent and it will have to come from FY09 but if some money comes back they will let tribes know.
- GAP letter timeliness will be addressed during conference.
- More technical people at the meetings. EPA mentions that they have quite an extent of technical people, but if there is something specific let them know in advance and they can make sure that the right folks come to the future meetings.
- Update the tribal contact list. This is done and was sent out last Friday
- Planning for next RTOC and logistics. Information about car pools and how to reduce expenses etc.
- Guidance on chlorine spill. Talk to the water board.
 - o Contact water board and emergency response people within the EPA for guidance
- Big Valley will host the next RTOC and they will look into shuttles for the attendees.
- Tribal Grant Workgroup- Agency is under microscope to account for money allocations. They were trying to be responsive to special needs and requirements of tribes and that they are brought into the broader efforts of grant management. Wanted participation from the group and how it should be handled. Washington has decided that they will have the group and the meeting will be in Kansas City. It is suggested that a representative should attend. It is a choice still of the body to send someone or not.
- EPA training on drawdowns- There will be grants sessions on Thursday and they will have some suggestions because there are different situations. There is usually a GAP training every year to focus on all aspect of grant management. This is a good way to have tribal administrators and finance staff to be trained.
- Tribal Grants Councils intent was to focus on nuts and bolts of grant management; such as time keeping and the way they structure requirements. Making it more workable for tribes on the financial side. Council will supplement and not duplicate
- We didn't designate people to go to this. If they want to work with tribal governments they should work with the governments and not the financial people. Most of work RTOC and

EPA response is about financial side of grants. Some wording should be taken out and should be a workgroup and not a council.

- It is understood that it was talked about at the NTOC level. At the meeting there will be a chance to weigh in on the straw charter. The group will go into more detail on the financial side of grants. There would be a relationship between the group and RTOC and not to duplicate what is going on at RTOCs. Open for suggestions.
- It goes deeper than just the duties of the council. The EPA has made a decision for the tribes. They decided what was best for the Tribes and there was no consultation, and we should not bow down to their whims
- EPA agrees but it has been discussed with NTOC for several years. Suggestion made to tell EPA senior managers that the council needs to be held back for a while until RTOC and tribes have a chance to review the council and duties. Make suggestions to help this go smoother and in a positive way.
- This memo was sent to RTOC chairs. No effective communication and some language ought to be removed from the charter.
- Will EPA stand united with RTOC?
 - o We probably can't make HQ do anything.
 - o This was a presentation and NTOC was asked to weigh in on it, reps were told to take it back to RTOC. NTOC reps will relay concerns at the meeting coming up.
 - o EPA will follow up with AEIO
- Need to hear feedback from us to help EPA get stuff done so things can get done on the ground. Appreciate the comments from the heart and thanks for helping us move along.

National Tribal Operations Committees (NTOC) Report/Updates

Stephen B. Etsitty (NN), Clay Bravo (AZ), Marie Barry (NV), and Ken Norton (CA)

- Informed RTOC of the three objectives at the July meeting.
- Admin. Johnson and senior officials about
 - o Participating in climate change issues, and tribes are not stakeholders and are co regulators like states
 - o Signing of initiative by admin Johnson about water infrastructure
 - o Budgets- support flat line budgets and no cuts
 - o Meet with tribal organizations that are sponsored by EPA dollars, NTAA, NTSC
 - o Wants to better communicate with the TPCC but has the obligations to the tribes first
 - o Meeting with Office of Business and Management- request present the budgets and leave them flat lined with no cuts and GAP be funded at FY05 levels.
- Request meeting notes from NTOC meetings and budget presentation.
- NTAA Region 9 rep- upset about NTAA meeting and they were not organized and the organizations tend to take over on consultations. This is not right and RTOC ought to send letters asking them to clear up their consultation definitions.

Review Action Items/Evaluation Forms/Next RTOC Meeting Location/Closing Comments Items

Lori Lewis, Meeting Facilitator, EPA

- Notes and minutes should be out in about a month
- 17 action items
- EERT info to Laura mayo by end of the month

~ Consultation comments

Consultation on how different council and workgroups are formed, wanted tribal participation but it was sent to the RTOC chair and not the tribes themselves.

AIEO will be called and when information is available it will be dispersed.

EPA in agreement with RTOC that wording should be redone regarding TGC.

RTOC reps maybe meet separately about these issues.

RTOC will attend the meeting and express concerns and bring back information.

A letter can be sent from co-chair about issues from region 9.

Lack of communication is a disadvantage and NTOC Co-Chair should communicate with RTOC better especially since he is from our region.

NTOC reps did send information and budgets to Co-Chair.

Updates are appreciated but they need to send the information out to more people.

There should be more participation to have more power to change from the inside.

EPA should stand with us.

A good job has been done and changes have been made in policy at HQ LEVEL.

Action items will be sent out in a week and notes within three weeks

RTOC Meeting Closes